

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

Willie E. Craig

Plaintiff,

S.

**No. 460-2019-00305C**

Auto Nation Chrysler Dodge Jeep Ram

Defendant

I, Willie Craig declare under penalty of perjury under the laws of the united States of America

That the foregoing is true and correct.

**AFFIDAVIT OF FACTS**

Statements Made under Penalty of Perjury – Must be answered By Counter-affidavit with Affidavit having Personal knowledge of the Facts therein with Documentary Evidence.

**I. BACKGROUND**

Franklin Freeze extended an offer to me to Join Auto Nation Chrysler Dodge Jeep Ram on November 01, 2017 as a Lube Technician. I have completed my Associated Applied Business Degree at Houston Community College, graduated with a 3.0 GPA. I have 15 Years Automotive Sales and six (6) years Parts Manager experience. I am confident that I can do this job at a level of 100 % which makes me a significant asset to Auto Nation Chrysler Dodge Jeep and Ram family.

(2)

## **Non- Discrimination and Harassment**

### **Policy No 4**

I, Willie Craig making a good faith report of known violations of the law or the business Ethics Program. January 02, 2018, customer Margie Nathaniel and acquaintance, brought her vehicle, an Audi Q 5 for service and to purchases a new battery. During performing maintenance on her vehicle, Mr. Colt Johnson- Lead Technician approached my work station and inquired about my age. I responded and informed him, I am fifty-eight (58) years old. He continued to inquire wanting to see my Identification. I did show Mr. Colt Johnson my driver's license. He continued to harass me, by asking how old customer Margie Nathaniel was. I responded sixty-three (63), his response was, "She looks 70", and laughed. Mr. Colt repeated, "She looks 70", again, and a third time he stated, "She look 70". See (policy No 4).

March 26, 2018 Margie Nathaniel brought her Audi Q5 for service needing an oil Change, Mr. Colt Johnson notice her. Mr. Colt Johnson ask me if we are having sex, I did not respond to his questioning me and could not understand why he would question me in this manner. I was shocked as he and I did not share personal information amongst each other. He then stated, "Women over 60 stop having sex, because they have cob webs". I immediately felt offended. Later that day, I met with Margie Nathaniel and informed her about what occurred while her vehicle was being serviced. She and I sensed intentional discrimination because of our age, and sexual harassment by Mr. Colt Johnson. (Policy 4).

I informed Margie Nathaniel, I was afraid to report Mr. Colt Johnson, because of his position as highest paid technician in the shop. I needed my job, and did not want to be retaliated or labeled as a whistle blower and thus I delayed taking action to make this report. See (policy no 2), (Policy no 3), (policy no 4)

(3)

**We Do Not Retaliate for Making Good Faith Reports**

**See policy No 2**

On May 25, 2018, I Willie Craig made a Good Faith Report to Crystal Johnson, Human Resource Manager regarding Mr. Colt Johnson verbal sexual abuse to Marge Nathaniel.

On May 29, I Willie Craig had a meeting with Brain Cage - General Manager of Auto Nation Chrysler Dodge and Jeep located at 1515 South Loop West, Houston Texas and Chrystal Johnson Human Resource Manager. Both stated Mr. Colt Johnson admitted to making the statements about my age, Margie Nathaniel's age, and the sexual comment as mentioned above in paragraph (2).

The following day May 30, 2018, I Willie Craig was terminated and retaliated against for filing this report in good faith. Franklin Freeze a Service Director stated the reason I am being terminated was because I did not replace a drain plug on a prior vehicle I serviced therefore causing damage to a customer's engine almost three months later. (See policy No 2)

On May 30, 2018 Richard Riddle - Forman escorted me off the premises, Mr. Colt Johnson looked at me and smiled. I was embarrassed and humiliated in the presence of my peers.

On May 31, 2018 Richard Riddle contacted me twice by phone harassing me and threatening me, if I do not come to remove the lock from my work stations bucket he is going to cut my lock off.

(4)

### **Stated Reason for Discharge, and Reinstatement**

Auto Nation Chrysler Dodge and Jeep claims to to have a Zero Tolerance discrimination policy, however Mr. Colt Johnson admitted to the conduct reported and remained employed.

The stated reason for my discharge was because I supposedly failed to properly install an oil drain plug in a customers vehicle. I disputed the reason for my discharge and again reported retaliation to Auto Nation Chairman and CEO and President,

Mike Jackson.

The retaliatory discharge was investigated and I was reinstated.

On or about July 12, 2018 I returned to my former Lube Technician position with Auto Nation Chrysler Dodge and Jeep, located at 1515 South Loop West, Houston Texas.

And on July 28, 2018 I was terminated. I applied for Unemployment Compensation Benefits and won due to the fact Auto Nation could not sufficiently support allegations of any negligent or wrong doing on my behalf.

(5)

**Witness (i.e., firsthand)**

I, Margie Nathaniel come in good Faith: on January 02, 2018 I brought my Audi Q 5 for service and purchased a new battery with a lifetime warranty, and 4 tire rotation my total pay amount 347.03. Mr. Willie Craig was the technician that completed the job. I am completely satisfied with my service work. When I received my vehicle Mr. Craig inform me Mr. Colt Johnson asked him how old he was, he said 58, he then ask Mr. Craig to show his license. Then he asks Mr. Craig how old I am, Mr. Craig responded 63, his respond per Willie Craig was she look 70 and laughed like it was a joke. Mr. Colt Johnson repeated it twice Per Willie Craig See (policy No 11).

I, Margie Nathaniel come in Good Faith March 26, 2018 brought my Audi Q5 for service for oil Change, per Willie Craig, Mr. Colt Johnson asked if we are having sex, Mr. Willie Craig did not respond and could not believe what can out of his mouth. Per Willie Craig, He also said that women over 60 stop having sex, because they have cob webs in their private area. That day after this was told to me per Willie Craig, at that moment we felt very bad. Mr. Craig said he was ashamed to tell me what Mr. Colt Johnson said about woman over 60. But that day, he told me what Mr. Colt Johnson said about women over 60, Mr. Willie Craig and I felt that he was referring to us. I Margie Nathaniel and Willie Craig, felt intentional discrimination because we are Senior Citizens age 58, and 63. We were sexual harassed by Mr. Colt Johnson.

I, Margie asked Mr. Willie Craig my technician, what are we going do about Mr. colt Johnson. Mr. Craig said that he was afraid to report Mr Colt Johnson, because of his position the highest paid technician in the shop, and risk losing his job. This is why it took us this long to make this report. See (policy no 4) page 15

Respectfully yours

Margie Nathaniel

A handwritten signature in black ink that reads "Margie Nathaniel". The signature is written in a cursive, flowing style. Below the signature is a solid horizontal line that spans the width of the signature.

Signature

(6)

### **AFFIDAVIT OF FACTS**

Statements Made under Penalty of Perjury – Must be answered By Counter-affidavit with Affidavit having Personal knowledge of the Facts therein with Documentary Evidence.

### **Fraud and Penalty**

I Willie Craig Come in Good Faith: Reference Section 214.003

(1) Franklin Freeze, when asked the question by I, Willie Craig, why did HR manager Sherrie Shitlett, rehire me back, June 18, 2018, his response was he did not know. That was not a true Statement.

(2) I was terminated on May 30, 2018 by Franklin Freeze because I Willie Craig left a drain plug off on a vehicle that causes damage to the engine. There are inconsistencies in my written disciplinary action notice, no evidence presented that day to prove that I Willie Craig did this. I did not sign the disciplinary action notice, nor was it present at the Texas Workforce Commission hearing.

(3) On page 20 – Franklin Freeze made false statement that I Willie Craig mounted Directional Tires and busted the beam on the inside of the tire. No evidence was presented that day, nor I did not sign the write up.

(4) I Willie Craig did not make a mistake that cost the dealership \$224.78. No evidence was present and I Willie Craig did not sign the write up.

(5) Franklin Freeze and Sherrie Shitlett hired me back and did not offer me additional training to adequately do my job and eliminate any liability as alleged which led up to my initial termination and subsequent termination. I thought I was doing my job to the best of my ability. I received no positive or negative feedback concerning my performance.

(6) Franklin Freeze and Sherrie Shitlett engaged in mis- conduct involving dishonesty, fraud, deceit or misrepresentation of a material fact. Reference Section 201.012.

(7)

## CONCLUSION

I Willie Craig, stating these facts as they occurred, I am letting it be known , I was discriminated against and retaliated upon as a result of making a Good Faith report of Sexual harassment. My dignity respect and livelihood was stripped by intentional discrimination because of my age 58 and customer Margie Nathaniel's age 63, verbal Sexual Harassment by Mr. Colt Johnson, and Retaliation by Franklin Freeze, and Richard Riddle for Making a Good Faith Report.

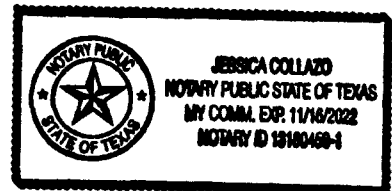
I Willie Craig petition the courts to review my claim of punitive damages in the amount of one million dollars (1,000,000), as well as compensatory damages in the amount of two-hundred and fifty thousand dollars (250,000) due to mental anguish and suffering brought upon me due to lack of due diligence I, Willie Craig in Good Faith, Stating these facts as they occurred, I am letting it be known that Franklin Freeze and Sherrie Shitlett engaged in conduct involving Fraud and Penalty willful not disclose or misrepresentation of a material. Section 214.003.

I Am: Willie Craig

State of TEXAS

County of HARRIS

J. Collazo (Signature of Notary)  
(Notary Seal)



Notary Public, State of TEXAS

My Commission Expires 11/16/2022

**Vizir / Minister:** Natural Person - In Propria Persona - Authorized Representative; All Rights Reserved

Free Moor / Muur

EEOC Form 161 (11/16)

## U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

## DISMISSAL AND NOTICE OF RIGHTS

To: **Willie Craig**  
**3906 Idaho St.**  
**Houston, TX 77021**

From: **Houston District Office**  
**Mickey Leland Building**  
**1919 Smith Street, 7th Floor**  
**Houston, TX 77002**

☐

On behalf of person(s) aggrieved whose identity is  
**CONFIDENTIAL (29 CFR §1601.7(e))**

EEOC Charge No.

EEOC Representative

Telephone No.

**460-2019-00305**

**Samantha Salazar,**  
**Investigator**

**(713) 651-4965**

## THE EEOC IS CLOSING ITS FILE ON THIS CHARGE FOR THE FOLLOWING REASON:

☐

The facts alleged in the charge fail to state a claim under any of the statutes enforced by the EEOC.

☐

Your allegations did not involve a disability as defined by the Americans With Disabilities Act.

☐

The Respondent employs less than the required number of employees or is not otherwise covered by the statutes.

☐

Your charge was not timely filed with EEOC; in other words, you waited too long after the date(s) of the alleged discrimination to file your charge

☒

The EEOC issues the following determination: Based upon its investigation, the EEOC is unable to conclude that the information obtained establishes violations of the statutes. This does not certify that the respondent is in compliance with the statutes. No finding is made as to any other issues that might be construed as having been raised by this charge.

☐

The EEOC has adopted the findings of the state or local fair employment practices agency that investigated this charge.

☐

Other (briefly state)

## - NOTICE OF SUIT RIGHTS -

(See the additional information attached to this form.)

**Title VII, the Americans with Disabilities Act, the Genetic Information Nondiscrimination Act, or the Age Discrimination in Employment Act:** This will be the only notice of dismissal and of your right to sue that we will send you. You may file a lawsuit against the respondent(s) under federal law based on this charge in federal or state court. Your lawsuit must be filed **WITHIN 90 DAYS** of your receipt of this notice; or your right to sue based on this charge will be lost. (The time limit for filing suit based on a claim under state law may be different.)

**Equal Pay Act (EPA):** EPA suits must be filed in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that **backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.**

On behalf of the Commission

*Samantha Salazar*

09/20/2019

Enclosures(s)

for

**Rayford O. Irvin,**  
**District Director**

(Date Mailed)

cc: **Ruth Ann Daniels**  
**Attorney at Law**  
**Gray Reed & McGraw LLP**  
**1601 Elm St., Suite 4600**  
**Dallas, TX 75201**

**TWC - Civil Rights Division**  
**101 East 15th St.**  
**Guadalupe-CRD**  
**Austin, TX 78778**



Enclosure with EEOC  
Form 161 (11/16)

**INFORMATION RELATED TO FILING SUIT  
UNDER THE LAWS ENFORCED BY THE EEOC**

*(This information relates to filing suit in Federal or State court under Federal law.  
If you also plan to sue claiming violations of State law, please be aware that time limits and other  
provisions of State law may be shorter or more limited than those described below.)*

**PRIVATE SUIT RIGHTS -- Title VII of the Civil Rights Act, the Americans with Disabilities Act (ADA),  
the Genetic Information Nondiscrimination Act (GINA), or the Age  
Discrimination in Employment Act (ADEA):**

In order to pursue this matter further, you must file a lawsuit against the respondent(s) named in the charge **within 90 days of the date you receive this Notice**. Therefore, you should **keep a record of this date**. Once this 90-day period is over, your right to sue based on the charge referred to in this Notice will be lost. If you intend to consult an attorney, you should do so promptly. Give your attorney a copy of this Notice, and its envelope, and tell him or her the date you received it. Furthermore, in order to avoid any question that you did not act in a timely manner, it is prudent that your suit be filed **within 90 days of the date this Notice was mailed to you** (as indicated where the Notice is signed) or the date of the postmark, if later.

Your lawsuit may be filed in U.S. District Court or a State court of competent jurisdiction. (Usually, the appropriate State court is the general civil trial court.) Whether you file in Federal or State court is a matter for you to decide after talking to your attorney. Filing this Notice is not enough. You must file a "complaint" that contains a short statement of the facts of your case which shows that you are entitled to relief. Courts often require that a copy of your charge must be attached to the complaint you file in court. If so, you should remove your birth date from the charge. Some courts will not accept your complaint where the charge includes a date of birth. Your suit may include any matter alleged in the charge or, to the extent permitted by court decisions, matters like or related to the matters alleged in the charge. Generally, suits are brought in the State where the alleged unlawful practice occurred, but in some cases can be brought where relevant employment records are kept, where the employment would have been, or where the respondent has its main office. If you have simple questions, you usually can get answers from the office of the clerk of the court where you are bringing suit, but do not expect that office to write your complaint or make legal strategy decisions for you.

**PRIVATE SUIT RIGHTS -- Equal Pay Act (EPA):**

EPA suits must be filed in court within 2 years (3 years for willful violations) of the alleged EPA underpayment: back pay due for violations that occurred **more than 2 years (3 years) before you file suit** may not be collectible. For example, if you were underpaid under the EPA for work performed from 7/1/08 to 12/1/08, you should file suit **before 7/1/10** -- not 12/1/10 -- in order to recover unpaid wages due for July 2008. This time limit for filing an EPA suit is separate from the 90-day filing period under Title VII, the ADA, GINA or the ADEA referred to above. Therefore, if you also plan to sue under Title VII, the ADA, GINA or the ADEA, in addition to suing on the EPA claim, suit must be filed within 90 days of this Notice and within the 2- or 3-year EPA back pay recovery period.

**ATTORNEY REPRESENTATION -- Title VII, the ADA or GINA:**


If you cannot afford or have been unable to obtain a lawyer to represent you, the U.S. District Court having jurisdiction in your case may, in limited circumstances, assist you in obtaining a lawyer. Requests for such assistance must be made to the U.S. District Court in the form and manner it requires (you should be prepared to explain in detail your efforts to retain an attorney). Requests should be made well before the end of the 90-day period mentioned above, because such requests do not relieve you of the requirement to bring suit within 90 days.

**ATTORNEY REFERRAL AND EEOC ASSISTANCE -- All Statutes:**

You may contact the EEOC representative shown on your Notice if you need help in finding a lawyer or if you have any questions about your legal rights, including advice on which U.S. District Court can hear your case. If you need to inspect or obtain a copy of information in EEOC's file on the charge, please request it promptly in writing and provide your charge number (as shown on your Notice). While EEOC destroys charge files after a certain time, all charge files are kept for at least 6 months after our last action on the case. Therefore, if you file suit and want to review the charge file, **please make your review request within 6 months of this Notice**. (Before filing suit, any request should be made within the next 90 days.)

**IF YOU FILE SUIT, PLEASE SEND A COPY OF YOUR COURT COMPLAINT TO THIS OFFICE.**

EEOC Form 5 (11/00)

<b>CHARGE OF DISCRIMINATION</b> <small>This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.</small>		Charge Presented To:      Agency(ies) Charge No(s): <div style="display: flex; justify-content: space-between;"> <div> <input type="checkbox"/> FEPA  <input checked="" type="checkbox"/> EEOC         </div> <div>460-2019-00305</div> </div>	
<b>Texas Workforce Commission Civil Rights Division</b> and EEOC <small>State or local Agency, if any</small>			
Name (indicate Mr., Ms., Mrs.) <b>Mr. Willie Craig</b>		Home Phone (incl. Area Code) <b>(832) 388-3928</b>	Date of Birth <b>1959</b>
Street Address <b>3906 Idaho St.</b>		City, State and ZIP Code <b>Houston, TX 77021</b>	
Named is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I Believe Discriminated Against Me or Others. (If more than two, list under PARTICULARS below.)			
Name <b>AUTO NATION CHRYSLER DODGE JEEP RAM</b>		No. Employees, Members <b>500 or More</b>	Phone No. (include Area Code) <b>(713) 723-9396</b>
Street Address <b>1515 South Loop West</b>		City, State and ZIP Code <b>Houston, TX 77021</b>	
Name 		No. Employees, Members 	Phone No. (include Area Code) 
Street Address 		City, State and ZIP Code 	
DISCRIMINATION BASED ON (Check appropriate box(es).) <div style="display: flex; flex-wrap: wrap;"> <div style="width: 50%;"><input type="checkbox"/> RACE</div> <div style="width: 50%;"><input type="checkbox"/> COLOR</div> <div style="width: 50%;"><input checked="" type="checkbox"/> SEX</div> <div style="width: 50%;"><input type="checkbox"/> RELIGION</div> <div style="width: 50%;"><input type="checkbox"/> NATIONAL ORIGIN</div> <div style="width: 50%;"><input checked="" type="checkbox"/> RETALIATION</div> <div style="width: 50%;"><input type="checkbox"/> AGE</div> <div style="width: 50%;"><input type="checkbox"/> DISABILITY</div> <div style="width: 50%;"><input type="checkbox"/> GENETIC INFORMATION</div> <div style="width: 50%;"><input type="checkbox"/> OTHER (Specify)</div> </div>			DATE(S) DISCRIMINATION TOOK PLACE Earliest      Latest <b>01-02-2018      06-12-2018</b> <input type="checkbox"/> CONTINUING ACTION
THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s)): <p>In November 2017, I began my employment with the Respondent as a lube technician. On May 25, 2018 I complained of unwelcomed sexual harassment and derogatory age based comments against Colt Johnson, Head Technician. On May 29, 2018 I met with Mr. Brian Cage, GM, and Crystal Johnson, HR and they confirmed that Colt Johnson admitted to making the harassing comments. On May 30, 2018 I was discharged. The Respondent claims to have a zero tolerance discrimination policy and, yet, Colt Johnson admitted to the conduct I reported and he remains employed.</p> <p>The stated reason for my discharge was because I supposedly failed to properly install an oil drain plug in a customer's vehicle. I disputed the reason for my discharge and again complained to the Company CEO. The retaliatory discharge was investigated and I was reinstated.</p> <p>On or about July 12, 2018, I returned to my former lube tech position and on July 28, 2018 I was again discharged. I filed for unemployment benefits, a second time, and during the TWC appeal process, the Respondent was not able to support their stated reason for my discharge and I was awarded benefits.</p>			
I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.		NOTARY - When necessary for State and Local Agency Requirements  I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief. SIGNATURE OF COMPLAINANT  SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE (month, day, year)	
I declare under penalty of perjury that the above is true and correct.		<div style="display: flex; justify-content: space-between;"> <div> <b>Oct 16, 2018</b>  <small>Date</small> </div> <div>   <small>Charging Party Signature</small> </div> </div>	

EEOC Form 5 (11/09)

**CHARGE OF DISCRIMINATION**

This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.

Charge Presented To:

Agency(ies) Charge No(s):



FEPA



EEOC

460-2019-00305

**Texas Workforce Commission Civil Rights Division**

and EEOC

*State or local Agency, if any*

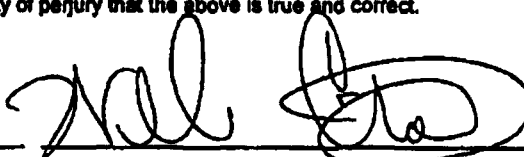
I believe that I have been discriminated against because of my sex- male, my age (58) and subjected to retaliation in violation of Title VII of the Civil Rights Act of 1964, as amended and the Age Discrimination in Employment Act of 1967, as amended.

I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.

I declare under penalty of perjury that the above is true and correct.

Oct 16, 2018

Date



Charging Party Signature

NOTARY – When necessary for State and Local Agency Requirements

I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.

SIGNATURE OF COMPLAINANT

SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE  
(month, day, year)

Appendix B

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
\_\_\_\_\_ DIVISION

Willie E. Craig

versus

Auto Nation Chrysler  
Dodge Jeep Ram

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§  
§  
§

CIVIL ACTION NO. \_\_\_\_\_

ORIGINAL COMPLAINT

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Appendix A

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
DIVISION

Willie E. CRAIG

versus

AUTO NATION CHRYSLER  
DODGE JEEP RAM

§  
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§  
§  
§

CIVIL ACTION NO. \_\_\_\_\_

EMPLOYMENT DISCRIMINATION COMPLAINT

1. This action is brought under Title VII of the Civil Rights Act of 1964 for employment discrimination. Jurisdiction is conferred by Title 42 United States Code, Section § 2000e-5.

2. The Plaintiff is:

Address:

County of Residence:

3. The defendant is:

Address:

☐

Check here if there are additional defendants. List them on a separate sheet of paper with their complete addresses.

4. The plaintiff has attached to this complaint a copy of the charges filed on \_\_\_\_\_

with the Equal Opportunity Commission.

5. On the date of 09/20/2019, the plaintiff received a Notice of Right to Sue

letter issued by the Equal Employment Opportunity Commission; a copy is attached.

6. Because of the plaintiff's:

- (a) ☐ race
- (b) ☐ color
- (c) ☒ sex
- (d) ☐ religion
- (e) ☐ national origin,

the defendant has:

- (a) ☐ failed to employ the plaintiff
- (b) ☒ terminated the plaintiff's employment
- (c) ☐ failed to promote the plaintiff
- (d) ☐ other: \_\_\_\_\_

7. When and how the defendant has discriminated against the plaintiff:

05/30/2018, unwelcomed sexual harassment  
and derogatory age based comments.

8. The plaintiff requests that the defendant be ordered:

- (a) ☒ to stop discriminating against the plaintiff
- (b) ☐ to employ the plaintiff
- (c) ☐ to re-employ the plaintiff
- (d) ☐ to promote the plaintiff

(e) ☐ to \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_ and that;

(f) ☐ the Court grant other relief, including injunctions, damages, costs and attorney's fees.

  
(Signature of Plaintiff)

Address: 3906 IDAHO ST  
HOUSTON TX 77021

Telephone: 832-388-3928